



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/702,040	11/06/2003	Kohichi Yuasa	116692004700	7415
25227	7590	08/20/2009	EXAMINER	
MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 400 MCLEAN, VA 22102			HOAR, COLLEEN A	
ART UNIT	PAPER NUMBER			
		3622		
MAIL DATE	DELIVERY MODE			
08/20/2009	PAPER			

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/702,040	Applicant(s) YUASA ET AL.
	Examiner Colleen Hoar	Art Unit 3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 04 May 2009.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1,2,4-6,8-10,12 and 13 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1,2,4-6,8-10,12 and 13 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____

5) Notice of Informal Patent Application
 6) Other: _____

DETAILED ACTION

Status of Claims

Claims 1-2, 4-6, 8-10, 12-13 are amended. Claims 3,7, and 11 are cancelled.

Claims 1-2, 4-6, 8-10, 12-13 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-2, 4-6, 8-10, 12-13 rejected under 35 U.S.C. 103(a) as being unpatentable over Lacek et al. (2003/0040964) hereinafter referred to as Lacek in view of Ariff (2002/0188509) hereinafter referred to as Ariff.

Claim 1,4, 9, 12-13, Lacek discloses At Transfer State 516 the user is presented with options such as transferring points to another person, emailing a question or concern to customer service, or viewing frequently asked questions regarding the transfer of points. At Transfer Form State 518 the user is able to transfer points to another person via an online transfer form at a predetermined rate plus applicable taxes and any per transaction handling fees.(Page 9, Para 92); These credits may be purchased for one's own account or for others, transferred between accounts for a fee, and may also be purchased by business entities as incentives or

considerations for employees or customers. (abstract) The present invention further provides for a member to transfer points to other people via an online transfer form at a rate per point or a set fee... Upon completion, both the transferor and transferee may be sent an email verification confirming the transaction/deposit. The points are posted to the transferee's account after the completion of the transaction immediately by a real-time link or in a batch transmission. In another embodiment, the recipient does not have to be a member. However, prior to accepting the point transfer, the(page 2, Para 19); At Purchase/ Transfer State 500 the user can have several options pertaining to point-based transactions, however, in a preferred embodiment the options consist of a purchase option allowing individual members to purchase points for self-use or for another member, a transfer option allowing individual members to transfer point balances between them or non-members, an option to purchase an elite member status, (Page 4, Para 38); This may be effected, for example, by a database query directed to a server hosting a participating partner's point database. (Page 5 , Para 69); This may be effected, for example, by database commands or instructions to servers hosting the loyalty programs database,(Page 5, Para 75); a database for maintaining the current credits balance of a user of the system; computerized means for the reduction of the credits balance, said reduction being approximately proportional to a discount offered to the user by a vendor. (Page 12, Claim 9); In a preferred embodiment, points that expire prior to being deposited are automatically rendered invalid and will not be refunded or extended. (page 11, Para 104); all point cap and expiration rules are managed and validated through program administrators. Further,

transactional history is maintained to enforce cap/expiration standards thus minimizing the administrative burden on the program administrators.(Page 11, Para 110). Lacek does not specifically disclose matching information from a giving source customer group from a belonging database to a giving destination customer group to which a customer belongs. Ariff teaches In accordance with one aspect of the invention, the consumer ID may be associated with an aggregate consumer account which specifies the consumer as a primary member and permits the association of any number of supplementary members with the primary member. In one embodiment, supplementary members are affiliated with the primary member, such as by being a member of the primary member's household, business, organization, and the like. In another embodiment, supplementary members are selected by the primary member for association with the primary member's aggregate consumer account on any basis deemed suitable by the primary member. For example, a primary member may associate friends, co-workers, family members, or any other group of individuals or entities. In one embodiment, both primary members and supplementary members may earn and redeem reward points which are posted to the aggregate consumer account or to any of several accounts that may be associated with the aggregate consumer account. In another embodiment, a supplementary member may only redeem reward points which that particular supplementary member has earned. In a further embodiment, a supplementary member may only redeem a quantity of reward points which the primary member has authorized for redemption by that particular supplementary member.

As used herein, the phrase "aggregate consumer account" shall mean any account which specifies a primary member and permits the association of any number of supplementary members with the primary member. In one embodiment, an aggregate account may be the sole account that associates the primary member with the supplementary members and reflects the activity of the primary member and any supplementary members. In another embodiment, an aggregate consumer account may be associated with multiple accounts that may each be associated with a supplementary member. For example, an aggregate consumer account may aggregate and post, record, store, or track all relevant activity engaged in by the primary member and any supplementary members that are associated with the aggregate consumer account. This aggregate activity may be reported solely to the primary member. Further, each supplementary member may be associated with a sub-account which posts only activity engaged in by the particular supplementary member. The activity in this sub-account may be reported only to the supplementary member associated with the sub-account. In this manner, the primary member may oversee the activity of each of the supplementary members, but each of the supplementary members cannot oversee the activity of either the primary member or other supplementary members.

The phrase "supplementary member" shall mean any person, entity, charitable organization, or business which uses a supplementary member ID to participate in the present system. It will be appreciated that, in certain contexts, the phrase "supplementary member" may be used interchangeably with the terms "purchaser", "customer", "consumer", and "end-user", since a "supplementary member" is a

particular type of "consumer". A "supplementary member ID", as used herein, includes any device, code, or other identifier suitably configured to allow a supplementary member to interact or communicate with the system, such as, for example, a rewards card, charge card, credit card, debit card, prepaid card, telephone card, smart card, magnetic stripe card, bar code card, authorization/access code, personal identification number (PIN), Internet code, other identification code, and/or the like. Additionally, a "supplementary member ID" may comprise any form of electronic, magnetic, and/or optical device capable of transmitting or downloading data from itself to a second device which is capable of interacting and communicating with such forms of supplementary member ID. (Page 5, Para 46-48). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to include the association of source and destination groups for transferring and loyalty point sharing and awarding among customer groups of Ariff in the invention of Lacek in order to provide additional flexibility for customers and increase the attractiveness of the system to diverse groups and consumers/customers.

Claim 2, Lacek discloses At Initial Account State 202, the user enters information concerning the eligible loyalty programs in which the user is a participating member. (Page 4, Para 40); In a preferred embodiment, a user does not have to be a member in order to purchase points for another person. Therefore, a user does not have to register or sign-in in order to purchase points and can therefore continue

to Gift Purchase Form State 510 without being rerouted to Sign-In State 300, Registration State 200, or other authentication procedure. (Page 8, Para 87) At Claim Transfer State 520 a member is able to collect their transfer points. Typically a member would only have to go to Claim Transfer State 520 if either the transferor did not know the member's account number or the transferee was not a member at the time of the transfer. This is because the transferee does not have to be a member until they wish to redeem the transfer claim code. Then the transferee must join and receive an account number before claiming their transfer. At Claim Transfer State 520 the transferee would input their name, account number, and their claim code number. Once all this information is entered the transferred points may be instantly credited to the recipient's account. Again, the points can be kept in a stored value code for some set period, e.g., one year in a preferred embodiment, before the transferor is given an opportunity to reclaim the transferred points before they are forfeited. [Account number of giving member and receiving member match] (Page 9, Para 94).

Claim 5, 8, Lacek discloses Fig. 5, Request Rule State [50]; After the user enters all of the required information concerning the loyalty programs of the participating sponsors that the user wishes to include in his or her system profile, the information is confirmed for accuracy. This confirmation can be performed in a variety of manners. In the preferred embodiment, the system electronically communicates with each sponsor that the user has requested for inclusion. This communication could be performed by the system accessing the Internet website of each designated sponsor in order to obtain

and confirm the user's information. (Page 4, Para 42). Lacek does not specifically disclose matching information from a giving source customer group from a belonging database to a giving destination customer group to which a customer belongs. Ariff teaches In accordance with one aspect of the invention, the consumer ID may be associated with an aggregate consumer account which specifies the consumer as a primary member and permits the association of any number of supplementary members with the primary member. In one embodiment, supplementary members are affiliated with the primary member, such as by being a member of the primary member's household, business, organization, and the like. In another embodiment, supplementary members are selected by the primary member for association with the primary member's aggregate consumer account on any basis deemed suitable by the primary member. For example, a primary member may associate friends, co-workers, family members, or any other group of individuals or entities. In one embodiment, both primary members and supplementary members may earn and redeem reward points which are posted to the aggregate consumer account or to any of several accounts that may be associated with the aggregate consumer account. In another embodiment, a supplementary member may only redeem reward points which that particular supplementary member has earned. In a further embodiment, a supplementary member may only redeem a quantity of reward points which the primary member has authorized for redemption by that particular supplementary member.

As used herein, the phrase "aggregate consumer account" shall mean any account which specifies a primary member and permits the association of any number

of supplementary members with the primary member. In one embodiment, an aggregate account may be the sole account that associates the primary member with the supplementary members and reflects the activity of the primary member and any supplementary members. In another embodiment, an aggregate consumer account may be associated with multiple accounts that may each be associated with a supplementary member. For example, an aggregate consumer account may aggregate and post, record, store, or track all relevant activity engaged in by the primary member and any supplementary members that are associated with the aggregate consumer account. This aggregate activity may be reported solely to the primary member. Further, each supplementary member may be associated with a sub-account which posts only activity engaged in by the particular supplementary member. The activity in this sub-account may be reported only to the supplementary member associated with the sub-account. In this manner, the primary member may oversee the activity of each of the supplementary members, but each of the supplementary members cannot oversee the activity of either the primary member or other supplementary members.

The phrase "supplementary member" shall mean any person, entity, charitable organization, or business which uses a supplementary member ID to participate in the present system. It will be appreciated that, in certain contexts, the phrase "supplementary member" may be used interchangeably with the terms "purchaser", "customer", "consumer", and "end-user", since a "supplementary member" is a particular type of "consumer". A "supplementary member ID", as used herein, includes any device, code, or other identifier suitably configured to allow a supplementary

member to interact or communicate with the system, such as, for example, a rewards card, charge card, credit card, debit card, prepaid card, telephone card, smart card, magnetic stripe card, bar code card, authorization/access code, personal identification number (PIN), Internet code, other identification code, and/or the like. Additionally, a "supplementary member ID" may comprise any form of electronic, magnetic, and/or optical device capable of transmitting or downloading data from itself to a second device which is capable of interacting and communicating with such forms of supplementary member ID. (Page 5, Para 46-48). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to include the association of source and destination groups for transferring and loyalty point sharing and awarding among customer groups of Ariff in the invention of Lacek in order to provide additional flexibility for customers and increase the attractiveness of the system to diverse groups and consumers/customers.

Claim 6, Lacek discloses The system then proceeds to Order Update State 418 where the user's transaction is updated to show the credits applied to the purchase of the product or service and the updated cost of the transaction.(Page 6, Para 74); Account Update State 422, the user's account information is updated to reflect the credits used by the user in the transaction to purchase the product or service. The system can also update the award points deducted from the appropriate affiliate sponsor accounts, notify the relevant affiliate sponsors or retailers and update the loyalty program points accordingly (Page , Para 75).

Claim 10, Lacek discloses in the system to sign into the system. At Sign-in State 300, the user is asked to provide appropriate identifying information. Such information would typically include the user's identification code and unique password or other authentication data. In a preferred embodiment of the subject invention, the login/authentication communication link and subsequent links are established using a secure protocol such as https, or another suitable PKI, tunneling, or key encryption scheme. [0051] Once the user has entered the requisite information, the information is verified by the system at Sign-in Verification State 302. If the user's sign-in is not verified by the system at Sign-in Verification 302, the user is returned to Sign-in State 300 and asked to reenter the appropriate information. The system then attempts to verify the new information at Sign-in Verification State 302. If the system cannot verify the new information entered by the user, then the user is returned to Sign-in State 300 and again requested to enter the correct information. (Page 5, Para 50-51)

Response to Arguments

Applicant's arguments file on 11/12/2008 have been fully considered but are not persuasive. Applicant's arguments with respect to claims 1-2, 4-6, 8-10, 12-13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Colleen Hoar whose telephone number is (571)270-3447. The examiner can normally be reached on Monday- Thursday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on 571-272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Colleen Hoar
Examiner
Art Unit 3622

/C. H./ 8/17/2009

/Eric W. Stamber/
Supervisory Patent Examiner, Art Unit 3622